

#100011

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: DIET DRUGS(PHENTERMINE/  
FENFLURAMINE/DEXFENFLURAMINE :  
PRODUCTS LIABILITY LITIGATION)

MDL DOCKET NO. 1203

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

VICKI MERTZIG, LEE SKINNER,  
THERESA MUTH, DORENE PHILLIPS,  
and MARCIA BLOOM, on behalf of  
themselves and all others  
similarly situated,

Plaintiffs,

vs.

WYETH-AYERST LABORATORIES  
COMPANY DIVISION OF AMERICAN  
HOME PRODUCTS CORPORATION;  
SMITHKLINE BEECHAM CORPORATION;  
ION LABORATORIES, INC.;  
A.H. ROBINS COMPANY, INCORPORATED; and  
CAMALL COMPANY,

Defendants.

Class Action  
Cause No. CIV-97-1281LH

**FILED**  
MAR - 6 1998  
MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

98-20144

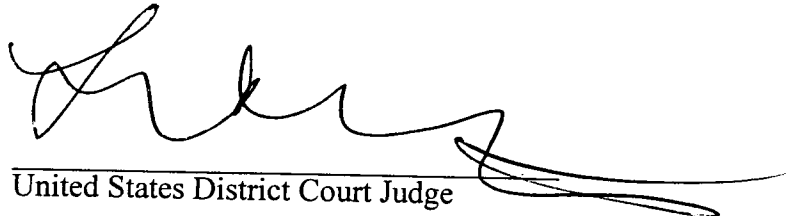
P10 # 12

**STIPULATED ORDER ON MOTION TO DISMISS**  
**SETTING FORTH A MORE DEFINITE**  
**STATEMENT OF PLAINTIFF'S CLAIMS AGAINST**  
**DEFENDANT SMITHKLINE BEECHAM CORPORATION**

THIS MATTER having come before the Court upon this stipulated order agreed to after service of SmithKline Beecham Corporation's motion to dismiss, the Court having found that the stipulation will result in the withdrawal of SmithKline Beecham's motion to dismiss and is otherwise in the interests of justice, and being otherwise fully advised in the matter finds that there is good cause for the entry of this stipulated order.

IT IS NOW THEREFORE HEREBY ORDERED ADJUDGED AND DECREED AS FOLLOWS:

1. Plaintiffs Mertzig, Skinner, Phillips and Bloom do not make claims against SmithKline Beecham Corporation herein because of the absence of current evidence that these Plaintiffs used the SmithKline Beecham product which is the subject of this suit.
2. Plaintiff Muth's claims against SmithKline Beecham Corporation will go forward without prejudice to SmithKline Beecham's right to challenge product identification, and without prejudice to SmithKline Beecham Corporation's right to assert any other objection or defense, procedural or substantive, to Muth's allegations, the sufficiency of which are not adjudicated by this order.
3. Plaintiffs Mertzig, Skinner, Phillips and Bloom may seek leave to amend to assert claims against SmithKline Beecham if a basis for such a claim becomes known, without prejudice to SmithKline Beecham's right to oppose any such motion.
4. SmithKline Beecham's motion to dismiss served on December 31, 1997 is deemed withdrawn.

  
United States District Court Judge